

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Nichole Scott,

Plaintiff,

-against-

United Cerebral Palsy Associations Of New
York State, Inc.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/25/2023

1:22-cv-07427 (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

This case contains claims under the Fair Labor Standards Act. Following mediation, the parties reached a settlement on all issues. (See Notice of Settlement, ECF No. 13.) On January 20, 2023, the parties submitted a letter, along with their proposed settlement agreement, seeking approval of the settlement as fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 1/20/2023 Letter, ECF No. 18; Settlement Agmt., ECF No. 18-1.) On January 24, 2023, an Order was issued on the parties' consent referring disposition of this matter to the undersigned pursuant to 28 U.S.C. § 636(c). (Order, ECF No. 19.)

Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's individual claims as well as the risks and expenses involved in additional litigation. See *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

In addition, Plaintiff seeks approval of \$477 in costs and \$4,841 in attorney's fees, which is one-third of the total settlement amount after costs. (See 1/20/2023 Letter at 2.) Courts in this Circuit typically approve attorney's fees in the amount of one-third of the total recovery. See,

e.g., Ramos v. DNC Food Serv. Corp., No. 19-CV-02967 (VSB), 2022 WL 576300, at *2 (S.D.N.Y. Feb. 25, 2022) (citing cases). In line with that precedent, the Court finds that the requested attorney's fees are fair and reasonable.

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement.

SO ORDERED.

DATED: New York, New York
January 25, 2023

A handwritten signature in cursive script, reading "Stewart D. Aaron", written in black ink.

STEWART D. AARON
United States Magistrate Judge